

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,
and Bernard L. Madoff,

Plaintiff,

v.

BANK VONTOBEL AG f/k/a BANK J.
VONTOBEL & CO. AG and VONTOBEL
ASSET MANAGEMENT INC.,

Defendants.

Adv. Pro. No. 12-01202 (CGM)

**DECLARATION OF GREGORY F. HAUSER IN SUPPORT OF THE VONTOBEL
DEFENDANTS' MOTION TO DISMISS THE COMPLAINT**

Pursuant to 28 U.S.C. 1746, GREGORY F. HAUSER, ESQ., under penalty of perjury,
declares the following to be true and correct:

I am a Partner with the law firm of Wuersch & Gering, LLP, attorneys for Defendants
Bank Vontobel AG f/k/a Bank J. Vontobel & Co. AG ("Bank Vontobel") and Vontobel Asset
Management Inc. ("VAMUS") (collectively, the "Vontobel Defendants") in the above-

referenced action. I submit this Declaration and the materials annexed hereto in support of the Vontobel Defendants' Motion to Dismiss the Complaint in its entirety and with prejudice.

1. Attached hereto as **Exhibit A** is a true and correct copy of the Complaint, filed in the above-referenced action on March 22, 2012. *See* Dkt. 1.

2. Attached hereto as **Exhibit B** is a true and correct copy of the Stipulation and Order dismissing Counts One and Two of the Complaint, among other relief, So-Ordered by the Honorable Cecelia G. Morris on April 25, 2022. *See* Dkt. 109.

3. Attached hereto as **Exhibit C** is a true and correct copy of the Swiss Financial Market Supervisory Authority's ("FINMA") list of authorized banks and security firms, updated as of June 7, 2022, indicating that Bank Vontobel AG is authorized to perform banking activities. *Swiss Financial Market Supervisory Authority FINMA*, https://www.finma.ch/~media/finma/dokumente/bewilligungstraeger/pdf/beh.pdf?sc_lang=en&hash=FEF716937E1B880FBACAC8D05DF0FEE8 (last visited July 7, 2022). We obtained this document from the publicly available online database of FINMA, "Switzerland's independent financial-markets regulator whose "mandate is to supervise banks, insurance companies, financial institutions, collective investment schemes, and their asset managers and fund management companies." *FINMA – an overview*, FINMA, <https://www.finma.ch/en/finma/finma-an-overview/> (last visited July 7, 2022).

4. Attached hereto as **Exhibit D** is a true and correct copy of the first page of Bank Vontobel AG's Business Registration statement, filed with the Commercial Register of Canton of Zurich, as well as a certified translation. As shown on the Business Registration statement, Bank Vontobel AG has been a registered bank since 1984.

5. Attached hereto as **Exhibit E** is a true and correct copy of a letter from FINMA, dated February 28, 2020, indicating that Bank Vontobel AG was “authorized to act as a bank” between January 1, 2004 and December 31, 2008, as filed by Defendant Bank Julius Baer & Co. Ltd. in adversary proceeding, *Picard v. Bank Julius Baer & Co. Ltd.*, Adv. Pro. No. 11-2922 (SMB), located at Dkt. 116, Ex. 4.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
July 8, 2022

WUERSCH & GERING LLP

By: /s/ Gregory F. Hauser

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***Counsel for Defendants Bank Vontobel
AG f/k/a Bank J. Vontobel & Co. AG and
Vontobel Asset Management Inc.***